

REMARKS

In the August 22, 2007 Office Action, claims 1-11, 13, 14, 16, and 17 were rejected, and claims 12, 15 and 18-44 were allowed, if rewritten to include all limitations of any base claims. This Response withdraws claims 45-52 in accordance with the restriction requirement, without traverse. After entry of the foregoing amendments, claims 1-44 (44 total claims; 5 independent claims) remain pending in the application. Reconsideration of the application is respectfully requested in view of the above amendments and the following remarks.

Election

Applicant has elected Claims 1-44 without traverse.

Shelley et al is not Effective Prior Art

The cited Shelley et al publication is not effective prior art because a reference used in a rejection based in 35 USC §102(e) cannot be commonly owned with the application being examined. The Shelley et al reference is assigned of record to the same assignee as the present application, namely, The Boeing Company. The assignment of the Shelley et al reference may be found at reel 013012 Frame 0178 dated June 13, 2002.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of all rejections based in whole or in part on Shelley et al. These include the rejection of the following:

Claim 1 under 35 USC §102(e)

Claims 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 16, 17 under 35 USC §103(a),

Claim Rejections not based on Shelley et al

Claim 13 is rejected as anticipated by XP-002329830 under 35 USC §102 (b).

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation to modify a reference or to combine the teachings of multiple references. Second, there must be a reasonable expectation of success. Third, the prior art must teach or suggest all of the recited claim limitations. Of course, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicant's disclosure. Applicant respectfully submits that the Examiner has not met all of the above criteria.

Conclusion

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

In conclusion, for the reasons given above, all claims now presently in the application are believed allowable and such allowance is respectfully requested. Should the Examiner have any questions or wish to further discuss this application, Applicant requests that the Examiner contact the undersigned attorney at (480) 385-5060.

If for some reason Applicant has not requested a sufficient extension and/or has not paid a sufficient fee for this response and/or for the extension necessary to prevent abandonment on this application, please consider this as a request for an extension for the required time period and/or authorization to charge Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

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